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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,832	10/16/2003	Lance Liljeqvist	03923- P0001B	9480
24126	7590	11/03/2005		
ST. ONGE STEWARD JOHNSTON & REENS, LLC 986 BEDFORD STREET STAMFORD, CT 06905-5619			EXAMINER KHAIRA, NAVNEET K	
			ART UNIT	PAPER NUMBER
			3754	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/686,832

Applicant(s)

LILJEQVIST, LANCE

Examiner

Navneet Sonia Khaira

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on August 8, 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 8, 9, 11-13, 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chao et al (US 5,882,133).

Referring to claims 1-3, and 11 Chao et al discloses a guide device (fig 1) with a protrusions (5) radially spaced apart from the nozzle (3), the protrusion (5) extending beyond the nozzle (3, fig 3 shows 5 extends beyond the end of surface of 3). Figure 1 also shows that it would have been obvious for (d1) and (L1) to be proportionally related. The guide device (Fig 1) has a flange and collar (9) used for attaching (the guide (fig 1) device to the nozzle of glue container with a protrusion (5) extending substantially parallel with the nozzle (3). The base portion having an opening located therein (below collar 9 in fig 1), said protrusion (5) extending from said base portion, extending substantially parallel with the nozzle (3).

Referring to claims 4 and 12, Chao et al further discloses the guide device (Fig 2) constructed of a thermoplastic material which is proven to remain rigid unless heated.

Referring to claims 8 and 9 and 13, Chao et al further discloses in fig 1 showing a first protrusion (5, above opening 4, fig 1) and a second protrusion (5, above below opening 2, fig 1) attached to the base portion (8) and extending parallel and length of the first protrusion equaling the length of the second protrusion as show in fig 3).

Referring to claim 15, Chao et al further discloses a guide device including a base (8) portion having an opening (below 9, fig 1), a protrusion (5) extending from said base portion (8) where the protrusion extends beyond the distal end of the attachment member (5 extends beyond distal end of nozzle 3), plurality of spines (extending portions 2, 3, 4, fig 3) extending from the base portion (7, fig 3) forming an attachment member (fig 3), located around the openings (2, 3, 4), forming a restriction at a distal end of the attachment member (fig 3).

Referring to claim 16 Chao et al further discloses the guide device having a base (8) portion having an opening (below surface 9, fig1), an attachment member (fig 1) connected to the base (8) portion for connecting the base portion to a tube, a protrusion (5) extending from the base (8) portion, and the protrusion (5) extending beyond a distal end of the nozzle (3, fig 3), a nozzle (3) which is integrally formed with the base (8)

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portion of the guide. It was also mentioned that device was constructed with a rigid thermoplastic which remains rigid unless heated, figure 3 further shows a first protrusion (5, above opening 4, fig 1) and a second protrusion (5, below nozzle 2, fig 1) attached to the base portion (8) extending parallel to each other (fig 1).

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chao et al (US 5, 882,133) in view of Wemyss et al et al (US 2001/0030207 A1)

Referring to claims 5, 6, and 7, Chao et al discloses a glue applicator with guides but does not disclose a rigid and semi-rigid portions on the applicator. Wemyss further discloses a protrusion comprising a base section (42) at a first end and an end section at a second end (Fig. 4, 46), the base (42) portion being constructed with a rigid thermoplastic and the end portion being semi-rigid (Page 2, 0022). Further, Wemyss discusses that the guides can be manufactured with different widths in which the protrusion can be tapered from the base section toward the end section (Page 2, 0022). Figure 2 shows the end section of the guides is rounded.

It would have been obvious to modify the Chao glue applicator with the properties of the glue applicator of Wemyss in order to allow for easier application of glue as taught by Wemyss.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chao et al (US 5,882,133) in view McNeal (US 2,331,487).

Referring to claim 10, Chao et al shows a guide device where the nozzle has a slot at the distal end substantially according to claim 10, but does not show a cap to interact with the slot in the nozzle and a cap holder to engage the cap when the nozzle is being used according to the claim. McNeal teaches to provide a cap to interact with the slot in the nozzle and a cap holder to engage the cap when the nozzle is being used in order to seal the nozzle and store the cap.

It would have been obvious to one having ordinary skill in the art to have included a cap to interact with the slot in the nozzle and a cap holder to engage the cap of McNeal in the guide device with a nozzle of Chao in order to seal the nozzle and store the cap as taught by McNeal

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chao et al et al (US 5,882,133) in view of O'Sullivan (US 5,249,716).

Referring to claim 14, Chao shows a guide device substantially according to claim 14, but does not show the threaded attachment member according to the claim. O'Sullivan teaches to provide a threaded attachment member in order to grip the caulking gun container tip when twisted.

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It would have been obvious to one having ordinary skill in the art to have included the threaded attachment member of O'Sullivan in the attachment member of the guide device of Chao in order to grip the caulking gun container tip when twisted as taught by O'Sullivan.

Citation of Related Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Paradiso (US 4,932,565), Woolley (US 5,471,704), and Tordsen (US 5,775,551) references also disclosed guide devices used to apply contents to a surface using a caulking gun.

Remarks

Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

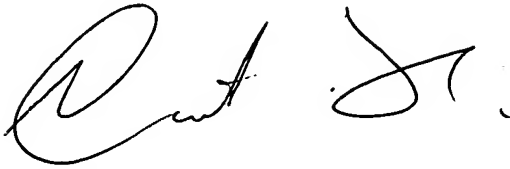
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet K. Khaira whose telephone number is 571-272-7142. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mar Y. Michael can be reached on 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Navneet Sonia Khaira
Examiner
Art Unit 3754

10/31/05



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